

July 25, 2022

RECEIVED IN THE PRO SE OFFICE
JUL 25, 2022 @ 4:02 PM
VIA BOX.COM

2021 – CV – 7001

Dianna Lysius

Against,

City of New York, New York City Commission on Human Rights,

New York City Law Dept., Philippe Knabb, Holly Ondaan, Carmalyn Malalis,

Zoey Chenitz, Sapna Raj, Nermina Arnaud, John B. Spooner

**Re: Scheduling Conference in Response to City of New York Letter to the Courts
7/22/22**

In response to Mr. Mackie and Mrs. Bernhardt letter about scheduling please see attached the email communication between me and Mr. Mackie which you person Judge Gujarati assigned oversight of pre-trial proceedings too will confirm that the schedule is not aligned with the Federal Rules of Civil Procedure.

There is no communication with the other parties and Holly Ondaan who failed to respond to any State proceedings has not been included in the matter.

In addition, Mr. John Bannister Spooner, Mrs. Nermina Arnaud, and Sapna Raj has not been served, nor has The City of New York confirmed they will serve the additional defendants. Mr. Mackie stated that he will contact the additional defendants to confirm if they will agree to be served or allow for The City of New York to accept service. Mr. Mackie proceeded by saying, "I cannot guarantee that any will". I formed Mr. Mackie of this prior to the summons and complaints being issued from the courts. To date, he states it is a rigorous process and will let me know which is not cooperative communication and a scheduling conference is warranted. If all parties are NOT aware of the schedule which you suggested Judge Bloom and Mr. Mackie already confirmed that The City of New York will not represent the defendants and I MUST follow Federal Rules of Civil Procedure 16: Pretrial Conference, Scheduling, & Management

and ask that you direct the court room by ensuring that Mr. Mackie and Mrs. Bernhardt are very aware of the Civil Procedures because as a Pro Se litigant who is BLANTLY INNOCENT is continuously being harassed during the process of defending myself with false statements. The letter sent to the Courts is a FALSE, and Judge Bloom I have presented to you on several occasions how the City of New York is corrupt and with the continued bad practices only continues to support the bad faith. I am filing an emergency application TODAY/TOMORROW in response to the FALSE LETTER sent on Friday, July 22 by the City of New York without delay in order to move this matter smoothly minus lies.

Should any of the City of New York employees make another false statement I will move the court to act. Mr. Mackie continues to refer to Court Order in the emails but failed to discuss the communication about scheduling was not in accordance with Federal Rules of Civil Procedure in the letter to the courts. WHY? Everyone MUST follow the Federal Civil Rules of Procedure otherwise I will not act and Civil Procedure will be my defense continuously against anyone fails to do so as well.

The complaint and summons were mailed from the courts on 7/1/18/22. I received the summons and complaint on 7/23/22 informing me that I have 90 DAYS to have the summons and complaint served upon all the defendants which includes the additional defendants. I have addresses for the additional defendants however Mr. Mackie wants me to agree on a schedule before other parties are served and enjoined. They need to be put on notice otherwise my complaint will be in jeopardy of being dismissed Pursuant to Federal Rules of Civil Procedure Rule 4m. See attached the notice from the Pro Se Office. Clearly the letter sent was not only false but contempt by both Mr. Mackie and Mrs. Bernhardt in Federal Court. The email communication does not include all parties and we need to conclude as to how these parties will be served and a Motion Pursuant to Federal Rules of Civil Procedure 16, I will make the request for the conference and ensure all parties are served/aware they must respond or else they will be in default and I will move the court in that manner. In doing so, I will be sure to serve all parties within the timeframe allotted, both the summons/complaint & motion(s).

This type of behavior from the City of New York is for to make errors to allow for loopholes as defenses to avoid answering to the complaint and summons. I am not an attorney, but I am aware of how to ask a court to move on motion, order to show cause, etc. The defendants

continuously failed to answer in State Court Proceedings and should any of the defendant do not answer in Federal Court to the emergency application/summons & complaint, once they are served, I will then move the courts to act in accordance to Rule 16 (f) without delay. This is continued litigation harassment and abuse to a Pro Se litigant. However, I ask that Judge Gujarati and Judge Bloom to allow me to proceed accordingly and direct the harassment to stop immediately, otherwise, I am going to file an order to stop the litigation harassment with full knowledge that I am innocent. I am only interested in hearing from the City of New York in the courts, all matters will pursue in court to avoid the continued frustration especially presenting false information as if I do not want to cooperate with the schedule. I am cooperating under Rules of Procedure, and no one cannot move me to cooperate in no other manner referring to a COURT ORDER nor can a Judge modify the law to satisfy City of New York, but scheduling conference will. I agree it is a court order that not only am I following but trying to communicate as to which current or prior employees have accepted service, as well as all parties having knowledge to the sanctions for failure to answer to any action requiring an answer to include Holly Ondaan.

I thank you in advance, but the schedule does not include all parties which does not follow Civil Rules of Procedure 16 so I cannot and will not accept the schedule but will send all parties the summons/complaint and notice of motion(s) to include a motion for scheduling to satisfy the City of New York in this manner but not allow for me to make mistakes or be forced and move in a rush.

The statute of limitations will expire September 2019 for the Report and Recommendation, but the decision will expire the following year which overrides the Report and Recommendation. Not including the Civil Rights Violations during the trial proceedings in May 2019 & June 2019. Mr. Mackie and Mrs. Bernhardt are aware as attorney's that the schedule not only must include all parties, but the complaint must be served upon all parties before scheduling because they too need to be aware of the schedule and activity on the case. I can assure the courts that all additional parties will be served, City of New York already confirmed they served the complaint and summons to Philippe Knabb, Zoey Chenitz, and Carmalyn Malalis who to need to be enjoined in the schedule. Once all parties are served, they can communicate as to how they will respond otherwise I move the courts for a default judgement.

Please await notification that all parties have been served within the 90 days required.

Best Regards,

 7/25/22

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
PRO SE OFFICE
U.S. COURTHOUSE
225 CADMAN PLAZA EAST
BROOKLYN, NY 11201

TO PLAINTIFF

RE: Dianna Lysius v. NYC Law Dept. et al
22 CV 7001 (DG) (LB)

Your case has now been docketed and assigned a judge. Enclosed are the papers necessary to have your complaint served on the defendants. In any correspondence concerning your case, you **MUST** give the name of the case, docket number and judge's initials, exactly as shown above.

IMPORTANT: If you change your address at any time during your litigation, you **MUST** notify the Court. You **MUST** also notify the defendant(s) or the defendant's attorney of your new address. It is not enough to just put the new address on a letter without indicating that it is a new address. You should write "please note my new address".

YOU MUST HAVE THE SUMMONS AND COMPLAINT SERVED WITHIN 90 DAYS OF THE DATE THE SUMMONS WAS ISSUED. (THIS IS THE DATE WHICH APPEARS ON THE SUMMONS.) IF THE SUMMONS AND COMPLAINT ARE NOT SERVED WITHIN 90 DAYS, YOUR CASE MAY BE DISMISSED. See Rule 4(m) of the Federal Rules of Civil Procedure (which is enclosed for your review). IF YOU CANNOT SERVE THE SUMMONS AND COMPLAINT WITHIN 90 DAYS, YOU MUST WRITE TO THE JUDGE TO ASK FOR ADDITIONAL TIME, EXPLAINING WHY YOU ARE UNABLE TO SERVE YOUR SUMMONS AND COMPLAINT WITHIN THE ALLOTTED TIME.

Re: [EXTERNAL] Re: Lysius v. NYC Law Dept. et al; Index No 21-cv-7001

From: Dianna Lysius (lysiusd@yahoo.com)

To: gmackie@law.nyc.gov

Cc: dbernhar@law.nyc.gov

Date: Thursday, July 21, 2022 at 12:41 PM EDT

On Tuesday, July 19, 2022 at 02:30:50 PM EDT, Dianna Lysius <lysiusd@yahoo.com> wrote:

As discussed you were to get in touch. EVERYONE WILL BE SERVED THAT DOES NOT ACCEPT SERVICE FROM YOU.

It should not take anytime for you to get confirmation from them. After you get the info then you contact me with the schedule. The Judge knows everyone must be served and must respond. So no I'm not agreeing to the schedule but will send the Judge a letter today.

I await the info or I'll send it to their jobs.

Thanks

[Sent from Yahoo Mail for iPhone](#)

On Tuesday, July 19, 2022, 2:23 PM, Mackie, Gavin (Law) <gmackie@law.nyc.gov> wrote:

Ms. Lysius,

We have received the complaint and are in the process of reaching out to the new defendants to ask if they will allow us to accept service on their behalf.

Pursuant to the Court's order, we have to submit a briefing schedule for the City's motion to dismiss by this Friday. Will you agree to the following schedule:

- City defendants' motion to dismiss due August 16
- Plaintiff's response due September 16
- City defendants' reply due September 30

If this is agreeable please let me know and we will inform the Court. I will keep you updated on whether we can accept service on behalf of the additional defendants.

Gavin B. Mackie

Assistant Corporation Counsel

Affirmative Litigation Division

New York City Law Department

100 Church St. Rm. 20-26

New York, NY 10007

212.356.2272 (office)|646.988.6258 (cell)

(Pronouns: he/him/his)

From: Dianna Lysius <lysiusd@yahoo.com>
Sent: Tuesday, July 19, 2022 9:27 AM
To: Mackie, Gavin (Law) <gmackie@law.nyc.gov>
Cc: Bernhardt, Doris (Law) <dbernhar@law.nyc.gov>
Subject: Re: [EXTERNAL] Re: Lysius v. NYC Law Dept. et al; Index No 21-cv-7001

Good morning

Following up on your communication to the other parties that have been added to the amended complaint.

Sapna Raj
John Spooner
Nermina Arnaud

Most importantly, John Spooner. Thank you

[Sent from Yahoo Mail for iPhone](#)

On Thursday, July 14, 2022, 3:34 PM, Dianna Lysius <lysiusd@yahoo.com> wrote:

Hi

It is very advisable to inform them all that summons will be issued I their names and delivered to each person to include John Spooner former employee and Sapna Raj current employee.

[Sent from Yahoo Mail for iPhone](#)

On Thursday, July 14, 2022, 11:32 AM, Mackie, Gavin (Law) <gmackie@law.nyc.gov> wrote:

Ms. Lysius,

At this time we only have consent to accept service on behalf of those individuals named in the initial complaint. Once you have filed I can reach out to any additional City defendants to ask if they will allow me to accept service on their behalf, but I cannot guarantee that any will.

Gavin B. Mackie
Assistant Corporation Counsel
Affirmative Litigation Division
New York City Law Department
100 Church St. Rm. 20-26
New York, NY 10007
212.356.2272 (office) | 646.988.6256 (cell)
(Pronouns: he/him/his)

From: Dianna Lysius <lysiusd@yahoo.com>
Sent: Wednesday, July 13, 2022 1:05 PM
To: Mackie, Gavin (Law) <gmackie@law.nyc.gov>
Cc: Bernhardt, Doris (Law) <dbernhar@law.nyc.gov>
Subject: [EXTERNAL] Re: Lysius v. NYC Law Dept. et al; Index No 21-cv-7001

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Good day

As stated in the letter attached July 1st, service will only be accepted for the initial former City Employees.

Judge Spooner, Nermina Arnaud, & Sapna Raj were not named in the initial complaint but will be addressed in the amended complaint please confirm that you will receive service on their behalf as City of New York is liable for the actions for all current and former employees.

Thank you.

On Friday, July 1, 2022 at 10:42:42 AM EDT, Mackie, Gavin (Law) <gmackie@law.nyc.gov> wrote:

Ms. Lysius,

Please see the attached letter regarding service of your Amended Complaint.

Gavin B. Mackie

Assistant Corporation Counsel
Affirmative Litigation Division
New York City Law Department
100 Church St. Rm. 20-26
New York, NY 10007
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Civil Case Management Plan_Fillable.pdf
146.7kB